

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE: Case No. 17-51964

Peter DeMarco Chapter 13

Debtor. Hon. Charles Caldwell

**DEBTOR COUNSELS' INITIAL APPLICATION
FOR COMPENSATION PURSUANT TO
BANKR. R. 2016 AND ADMINISTRATIVE
ORDER 07-02**

Debtor's Counsel Brian D. Flick, Esq. and the Dann Law Firm hereby make their initial Application for Compensation pursuant to Bankruptcy Rule 2016(a), Paragraph 4 of Administrative Order 07-02 and the Order Confirmation Chapter 13 Plan (Doc. No. 32). Pursuant to Paragraph 4 of Administrative Order 07-02, Debtor's Counsel choses to opt-out of the "no look" fee pursuant to Paragraph 3 of Administrative Order 07-02 and makes this initial application for fees for all services performed up to the point of confirmation of Debtors' Chapter 13 Plan.

In support of the Application, Debtor's Counsel hereby states the following:

- a. Legal Services Provided: All services rendered through Confirmation of Debtor's Chapter 13 Plan
- b. Result of Services: Debtor's Plan confirmed August 28, 2017.
- c. Time Spent: Attorney Time:
 - Marc E. Dann (MD) 0.20 hrs. @ \$395.00/hr. = \$79.00
 - Brian D. Flick (BF) 18.8 hrs. @ \$325.00/hr. = \$7,018.98
 - Emily White (EW) 1.3 hrs. @ \$325.00/hr. = \$422.50Law Clerk Time
 - Whitney Horton (WH) 0.50 hrs. @ \$175.00/hr. = \$87.50Paralegal Time:
 - Senior Paralegal (SP) 1.35 hrs. @ \$150.00/hr. = \$202.50
 - Junior Paralegal (JP) 2.30 hrs. @ \$125.00/hr. = \$287.50

<u>Date</u>	<u>Service</u>	<u>Time</u>
3/29/2017	Initial phone call with client	0.15 (BF)
3/30/2017	Phone call with client re: filing timeline and automatic stay issues	0.30 (BF)
3/30/2017	Email with client for docs needed to complete petition	0.10 (SP)
3/30/2017	Prepare motion to extend stay & affidavit	1.00 (BF)
3/30/2017	File prep	0.10 (SP)

3/30/2017	Internet research for judgment liens etc.	0.50 (SP)
3/31/2017	Meeting with client to review skeleton petition and review file for remainder of docs needed to complete schedules	2.00 (BF)
4/3/2017	Prepared support for motion to extend stay	0.30 (BF)
4/10/2017	Prepared remainder of petition and plan, emailed with client	2.00 (BF)
4/11/2017	Email exchanges with client for docs needed	0.50 (WH)
4/11/2017	Docketing	0.10 (SP)
4/11/2017	341 letter to client, reminder of debtor ed to client	0.20 (SP)
4/11/2017	Upload docs to Trustee	0.10 (SP)
4/14/2017	Meeting with client to finish schedules	1.75 (BF)
4/25/2017	Efiling continuance, emails with client	0.30 (BF)
4/25/2017	Upload order for motion extend stay	0.15 (BF)
4/25/2017	Review IRS POC, compare with plan	0.25 (BF)
4/28/2017	Phone call with client to discuss new hearing date	0.15 (BF)
5/12/2017	Phone call with client to discuss mortgage objection	0.15 (BF)
5/22/2017	Received and uploaded Debtor's taxes	0.25 (BF)
5/28/2017	Letter to client, Debtor Ed reminder	0.25 (SP)
6/2/2017	Reviewed and approved Rushmore Agreed Order	0.15 (BF)
6/2/2017	Reviewed Columbus Tax POC	0.15 (BF)
6/6/2017	Prepared file for 341	0.50 (BF)
6/8/2017	Attended 341, meeting with Debtor pre-and post-hearing	1.00 (BF)
6/14/2017	Email with Trustee and Debtor re: business docs	0.30 (BF)
6/16/2017	Phone call with Marc and Debtor re: business docs	0.30 (BF)
6/26/2017	Email to Debtor re: business docs	0.15 (BF)
7/5/2017	Meeting with Debtor to discuss case issues	1.25 (BF)
7/6/2017	Prepare amended plan & schedules, email with Trustee, phone call with Trustee re: business issues	1.00 (BF)
7/10/2017	Court appearance - pre-hearing	0.40 (BF)
7/11/2017	Uploaded docs to Trustee	0.25 (BF)
7/20/2017	Review docs - strategize re: Trustee disclosure	0.20 (MD)

	Emails with staff attorney to set business meeting, emails with client, review file	0.30 (BF)
7/25/2017		
7/31/2017	Review revised Rushmore POC	0.75 (BF)
8/1/2017	Email to Debtor re: business meeting	0.15 (BF)
	Phone call with Debtor to prepare for business meeting	0.25 (BF)
8/11/2017		
8/14/2017	Prep file for business meeting	0.30 (BF)
	Court appearance - attend business meeting	1.25 (BF)
8/15/2017		
8/24/2017	E-filing	0.10 (JP)
8/25/2017	E-filing	0.50 (JP)
8/28/2017	Hearing Prep	0.30 (EW)
8/28/2017	Court appearance - confirmation	0.80 (EW)
8/28/2017	Emails with Brian re: hearing	0.20 (EW)
	Detailed email to client with notes from hearing	0.25 (BF)
8/29/2017		
	Reviewed Trustee objection, email to client	0.15 (BF)
8/31/2017		
9/6/2017	Amending schedules	0.30 (JP)
	Review amended schedules, gave OK to file	0.15 (BF)
9/6/2017		
9/7/2017	Filing amended schedules	0.40 (JP)
9/7/2017	Phone call with Debtor to discuss case	0.15 (BF)
9/13/2017	Phone calls with IRS re: POC	0.20 (JP)
9/13/2017	Review Rushmore objection	0.15 (BF)
9/14/2017	Review scheduling order	0.15 (BF)
	Review email from staff attorney and modified plan	0.25 (BF)
9/15/2017		
9/15/2017	E-filing 3rd amended plan	0.20 (JP)
9/20/2017	Phone call with Debtor re: pleadings	0.25 (BF)
	Drafting withdrawal of objection to IRS POC	0.20 (JP)
9/26/2017		
	E-filing withdrawal of objection to IRS POC	0.20 (JP)
9/26/2017		
10/12/2017	Uploading docs to Drive	0.20 (JP)

- a. A copy of the retainer agreement disclosing Debtor Counsel's hourly fees and the option to seek hourly fees pursuant to the administrative order is attached as Exhibit A to this Application.
- b. As disclosed in the Counsel's Application for Compensation, Debtors paid Counsel \$6,500.00 in attorney fees pre-petition. (Doc. No. 1) of which \$6,150.00 were pre-petition attorney fees, \$310.00 were paid for court costs and the remaining \$40.00 went for pre-petition and post-petition credit counseling expenses.

- c. No previous application for services has been made for the services for which the application is made;
- d. Debtor(s)' Counsel hereby requests \$1947.98 and has been paid \$0.00 to date by the Chapter 13 Trustee.

WHEREFORE, Debtor's Counsel requests fees in the amount of \$1947.98.

Respectfully Submitted,

Date: November 22, 2017

/s/ Brian D. Flick, Esq.
Brian Flick (0081605)
Marc E. Dann (0039425)
DannLaw
PO Box 6031040
Cleveland, OH 44103
216/373-0539
216/373-0536 - fax
notices@dannlaw.com
Attorneys for Debtor

CERTIFICATE OF SERVICE

I hereby certify that on November 22, 2017, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

US Trustee's Office ustpregio09.cb.ecf@usdoj.gov

Robert E. Bardwell, Jr., for Robert E. Bardwell, Creditor, at rbardwell@ohiobankruptcylaw.com,

Adam Bradley Hall, for EMC Mortgage, LLC, Creditor, at amps@manleydeas.com

Bethany Hamilton, for Internal Revenue Service, Creditor, at usaohs.ecfcolbank@usdoj.gov,

JS & Associates Appraisal Services, LLC, Creditor, at jsandassoc@aol.com,

Brian M. Gianangeli, for Ohio Department of Taxation, Creditor, at bgianangeli@mifsudlaw.com,

Jonathan S. Hawkins, for Rushmore Loan Management Services, Creditor, at jonathan.hawkins@thompsonhine.com

Frank M. Pees, Chapter 13 Trustee, at trustee@ch13.org

And via regular US Mail to Debtors and all creditors in the attached Matrix.

/s/ Brian D. Flick, Esq.
Brian D. Flick (0081605)
Marc E. Dann (0039425)
Attorneys for Debtor

NOTICE OF APPLICATION FOR COMPENSATION

The Debtor has filed an Application for Compensation.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the motion, or if you want the court to consider your views on the motion, then on or before twenty-one (21) days from the date set forth in the certificate of service for the motion/objection, you or your attorney must file with the court a response explaining your position by mailing your response by regular US Mail to US Bankruptcy Court, 170 North High Street, Columbus, Ohio 43215 2 OR your attorney must file a response using the court's ECF System.

The court must receive your response on or before the date above.

You must also mail a copy of your response either by 1) the court's ECF System or by 2) regular US Mail to:

DANNLAW
PO Box 6031040
Cleveland, OH 44113

FRANK M. PEES, CHAPTER 13 TRUSTEE
130 E. Wilson Bridge Road, Suite 200
Columbus, OH 43065

OFFICE OF THE US TRUSTEE
170 N. High Street
Columbus, OH 43215-2403

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief.

Date: November 22nd, 2017

/s/Brian D. Flick, Esq.
Brian D. Flick, Esq.
Attorney for Debtor

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Application for Compensation* was served (i) **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the Court and (ii) by **ordinary U.S. Mail** on November 22, 2017 addressed to:

Peter DeMarco
950 Augusta Glen Dr.
Columbus OH 43235

All creditors on the attached matrix.

/s/ Brian D. Flick, Esq.
Brian D. Flick, Esq.